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Please type a plus sign (+) inside this box → ☒PTO/SB/21 (8-98)
Approved for use through 09/30/2000. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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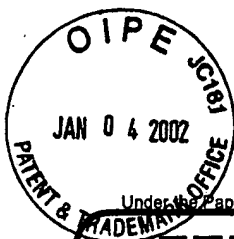
TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/945,152
	Filing Date	August 31, 2001
	First Named Inventor	Boyle et al.
	Group Art Unit	
	Examiner Name	
Total Number of Pages in This Submission	11	Attorney Docket Number ACS-57082

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	Pre-Examination Amendment
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Howard N. Sommers;
Signature	Howard N. Sommers
Date	

CERTIFICATE OF MAILING			
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PTO/SB/17 (10-01)

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$)-0-

Complete if Known

Application Number	09/945,152
Filing Date	August 31, 2001
First Named Inventor	Boyle et al.
Examiner Name	
Group Art Unit	
Attorney Docket No.	ACS-57082

METHOD OF PAYMENT

- 1.
- ☐
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit
Account
Number

06-2425

Deposit
Account
Name

Fulwider Patton

- ☒
- Charge Any Additional Fee Required
-
- Under 37 CFR 1.16 and 1.17

- ☐
- Applicant claims small entity status.
-
- See 37 CFR 1.27

- 2.
- ☐
- Payment Enclosed:

- ☐
- Check
- ☐
- Credit card
- ☐
- Money
-
- Order
- ☐
- Other

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity Small Entity

Fee Fee Fee Fee Fee Description

Code (\$)	Code (\$)	Code (\$)	Code (\$)	Code (\$)	Fee Description
101	740	201	370		Utility filing fee
106	330	206	165		Design filing fee
107	510	207	255		Plant filing fee
108	740	208	370		Reissue filing fee
114	160	214	80		Provisional filing fee

Fee Paid

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES

	Total Claims	Extra Claims	Fee from below	Fee Paid
		-20** =	X	
		-3** =	X	

Large Entity Small Entity

Fee Fee Fee Fee Fee Description

Code (\$)	Code (\$)	Code (\$)	Code (\$)	Code (\$)	Fee Description
103	18	203	9		Claims in excess of 20
102	84	202	42		Independent claims in excess of 3
104	280	204	140		Multiple dependent claim, if not paid
109	84	209	42		** Reissue independent claims over original patent
110	18	210	9		** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

*or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	480	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY

Name (Print/Type) Howard N. Sommers

Registration No.
(Attorney/Agent)

28,138

Complete (if applicable)

Telephone 310-824-5555

Signature

Howard N. Sommers

Date

10/19/01

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CERTIFICATE OF MAILING



#5
PATENT
Docket No. ACS-57082 (22272.3)

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231, on October 19, 2001.

Howard N. Sommers
Howard N. Sommers, Registration No. 24,138 Date: October 19, 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Examiner:
Inventor: Boyle et al.)	Group Art Unit:
Serial Number: 09/945,152)	Docket No. ACS-57082 (22272.3)
Filing Date: August 31, 2001)	Date: October 19, 2001
For: SHEATHLESS EMBOLIC PROTECTION SYSTEM)	

Commissioner for Patents
Washington, D. C. 20231

PRE-EXAMINATION AMENDMENT

Dear Sir:

Please amend the above-identified application as follows:

IN THE SPECIFICATION

Please enter the following substitute paragraphs from the specification.

Please substitute page 8, line 24 - page 9, line 9, as follows:

In the drawings, wherein like reference numerals denote like or corresponding parts throughout the drawing figures, and particularly in the embodiments in accordance with the invention as shown in FIGS. 1-10, for example, a system 10 is provided for enabling an interventional procedure to be performed in a blood vessel 12 at an area of treatment 14. The system 10 is atraumatic, to inhibit injury to the patient. It includes a guide wire 16 which enables the system 10 to be positioned distal to the area of treatment 14. The system 10 is placed within the carotid artery 18 or other blood vessel of the patient, and is guided into position by the guide wire 16. The guide wire 16 includes a tip coil 20 at a distal end 22 thereof. The tip coil includes a proximal end 24. The tip coil 20 is attached at the proximal end thereof to the guide wire 16 for example by solder. The carotid artery 18 has the area of treatment 14 therein, which comprises the interventional procedure site, wherein atherosclerotic plaque 26 has built up against the inside wall 28, which decreases the diameter of the carotid artery 18. As a result, blood flow is diminished through this area.

Please substitute page 11, line 28 - page 12, line 10, as follows:

The system 10 further includes a delivery enabling element 82, which bears against the compressed filter device 30 for enabling delivery thereof to the position distal to the interventional procedure site 14, without extending about the filter device 30. The delivery enabling element 82 is also able to be withdrawn from bearing against the filter device 30. The delivery enabling element 82 includes an inner tube 84, which is extendable about the guide wire 16, and which includes a distal end 86 which is extendable into the filter device 30, through the channel 64 in the proximal portion 34 thereof, so as to bear against the compressing element 38. The inner tube 84 also pushes the tab members 74 radially outwardly and into engagement therewith

upon extending through the channel 64. The delivery enabling element 82 also includes an outer tube 88, extendable about the inner tube 84, which bears against the proximal portion 34 of the filter device 30 for delivery thereof.

Please substitute page 14, lines 8-17, as follows:

In the first version of the first embodiment of the present invention, as shown in FIGS. 1-5, the slots 80 in the engaging element 70 are engaged with the tab members 74 of the engageable element 68, to compress the filter device 30. An assembly of the compressed filter device 30 is inserted for example over the proximal end of the guide wire 16 extending outside the patient. The compressed filter device 30 is advanced over the proximal end of the guide wire 16 into the patient's body and onto the distal end 22 of the guide wire 16. The distal end 86 of the inner tube 84 of the delivery enabling element 82 is extended through the channel 64 in the proximal portion 34 of the filter device 30 so as to bear against the engaging element 70, to retain the filter device 30 in the compressed condition thereof. The outer tube 88 of the delivery enabling element 82 bears against the proximal portion 34 of the filter device 30 for enabling delivery of the filter device 30 to the location for deployment thereof. Delivery systems may be configured in over the wire or rapid exchange delivery platforms.

Please substitute page 14, lines 18-27, as follows:

Upon reaching the location distal to the interventional procedure site 14, the distal end 86 of the inner tube 84 is pulled in the proximal direction away from its position bearing against the engaging element 70, to a position for example extending slightly distal of the tabs 66, leaving a space between the distal end 86 of the inner tube 84 and the engaging element 70. The guide wire 16 is then pulled in the proximal

direction, pulling the stop member 72 into engagement with the engaging element 70. Upon pulling the guide wire 16 further in the proximal direction, the tab members 74 of the engageable element 68 slide out of the slot 80 in the engaging member 70, releasing the tab members 74 from the slots 80 so as to enable expansion and deployment of the filter device 30. Alternatively, for example, a slightly larger tip coil 20 may be used to push the engaging element 70 and deploy the filter device 30.

Please substitute page 14, line 28 - page 15, line 8, as follows:

The slots 90 of the inner tube 84, in the second version of the first embodiment of the invention, as depicted in FIGS. 6-8, engage the tab members 94 of the engageable element 68, to compress the filter device 30, and to retain the filter device 30 in the compressed condition during delivery. The outer tube 88 bears against the proximal portion 34 of the filter device 30 for enabling delivery of the filter device to the deployment location thereof. The distal end 86 of the inner tube 84 is pulled in the proximal direction, away from engagement with the engageable element 68, upon reaching the position distal to the interventional procedure site 14, for releasing the tab members 74 from the slots 80, and the tabs 66 engage the guide wire 16, for enabling expansion and deployment of the filter device 30.

Please substitute page 15, lines 9-27, as follows:

As illustrated in FIGS. 9-10, in the second embodiment of the present invention, an assembly of the filter device 30 and the obturator 40 is inserted for example over the proximal end of the guide wire 16 up to the position where the tabs 66 snap-fit into the space 100 so as to bear against the stop 98. The spring 92 is expanded, and the struts 102 of the filter device 30 engage the distal section 106 of the engageable element 68. The guide wire 16 is then pushed through the patient's